REMARKS

In the Office Action, claims 8, 11-12, and 18-19 were rejected under 35 U.S.C. 102(e) as being anticipated by Padovani et al. (U.S. Application No. 10/318,489 "Padovani"). Claims 1-5 and 13-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Padovani in view of Farley et al. (U.S. Patent No. 6,553,032 "Farley"). Claims 6-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Padovani in view of Farley as applied to claims 1-5 and 13-17, and in further view of Strawczynski et al. (U.S. Application No. 09/835,102 "Strawczynski"). Claims 9-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Padovani in view of Kumar et al. (U.S. Patent No. 6,507,572 "Kumar"). Claim 20 was rejected under 35 U.S.C. 103(a) as being unpatentable over Padovani in view of Strawczynski. The rejections under 35 U.S.C. 102(e) and 35 U.S.C. 103(a) are respectfully traversed.

Claims 8, 11-12, and 18-19 are not anticipated by Padovani

Claim 8 is directed to a method of managing contents of a plurality of data buffers in a wireless communication system to service forward link data transmissions for a mobile station. A first operation includes receiving data in a central buffer of a network element of the wireless communication system, wherein the network element manages a plurality of base stations of the wireless communication system. A next operation includes downloading a plurality of blocks of data from the central buffer to each of a plurality of distributed buffers resident in a respective plurality of base stations forming an active set of base stations servicing the mobile station. A subsequent operation includes transmitting blocks of data from a serving base station of the active set of base stations to the mobile station. Operation continues with determining that distributed buffer refresh is required. Then, operation concludes with downloading a next

plurality of blocks of data from the central buffer to each of the plurality of distributed buffers resident in the active set of base stations servicing the mobile station.

The Office Action cites Padovani at the Abstract, page 5 paragraphs 53-54, Figure 2, and pages 8-9 paragraphs 82-86 in support of the 102(e) rejection to meet the elements of claim 8. The Office Action's equivalencing of the teachings of Padovani to the elements of claim 8 is incorrect.

Padovani teaches a selector element 14 of a base station controller 10 that routes data received from a data source 20 to each of a plurality of base stations 4 in the active set of a mobile station 6. (Fig. 2, Page 8, paragraph 82) The base stations 4 store the data in respective data queues 40. Based upon a DRC message received from the mobile station, a best performing base station, i.e., best C/I as seen by the mobile station, extracts data from its data queue 40 and transmits that data to the mobile station 6. (pages 8-9, paragraphs 82-86)

Padovani does not teach, disclose, or suggest a central buffer as required by claim 8. The data source 20 is located external to the base station controller 10 of FIG. 2 of Padovani. The selector element 14 of the base station controller 10 of FIG. 2 of Padovani simply forwards data received from data source 20 to the plurality of base stations 4 in the active set of the mobile station. (Padovani at page 8, paragraph 8, lines 1-4). The selector element 14 of Padovani does not buffer data. Thus, the limitations of claim 8 relating to the "central buffer" and the "plurality of distributed buffers" are not taught, disclosed, or suggested by Padovani.

Padovani further fails to meet the elements of claim 8 relating to distributed buffer refresh. Padovani describes how selector element 14 forwards data to all base stations 4 in the active set of mobile station 6. (Padovani at page 8, paragraph 82, lines 1-4). Padovani then describes how the base stations 4 transmit data from their data queues 40 to the mobile station 6.

Padovani does not describe operations that could occur when a data queue 40 of a base station 4 is empty or near empty. (Padovani at pages 8-9, paragraphs 82-86). Padovani, fails to teach, disclose, or suggest "determining that distributed buffer refresh is required" and "downloading a next plurality of data from the central buffer to each of the plurality of distributed buffers resident in the active set of base stations servicing the mobile station" as is required by claim 8. Padovani fails to address such operations and thus fails to meet all of the limitations of claim 8. Claim 11-12 depend from claim 8 and are not anticipated by Padovani for these same reasons.

Claim 18 is directed to a base station controller. The base station controller of claim 18 operates to, among other operations, "receive an indication from a serving base of the active set of base stations that a data refresh is required" and "download a next plurality of blocks of data to each base station of the active set of base stations." As described above, Padovani does not describe operations that could occur when one or more of the data queues 40 of base station 4 is empty or near empty. The Office Action's citation to Padovani at pages 8-9 paragraphs 82-86 as disclosing these teachings is simply incorrect. For these reasons, Padovani does not anticipate claim 18. Claim 19 depends from claim 18 and is not anticipated by Padovani for these same reasons.

Claims 1-5 and 13-17 are not unpatentable under 35 U.S.C. 103(a) over Padovani in view of Farley.

Claim 1 is directed to a method of operating a wireless communication system to service high data rate forward link transmissions for a mobile station. Claim 1 requires downloading of blocks of data from a central buffer to a plurality of base stations. Each block of data of the plurality of blocks of data includes a respective sequence number and a first block of data of the plurality of blocks of data includes an initial sequence number. Claim 1 further requires, when

the sequence number of a block of data successfully received by the mobile station exceeds the initial sequence number by a threshold value, downloading a next plurality of blocks of data from a central buffer to each base station of the active set of base stations.

As described above with reference to claim 8, Padovani fails to teach, disclose, or suggest a central buffer that works in conjunction with base stations to transmit data to the base stations as required by claim 1. Padovani further fails to disclose the limitations of claim 1 relating to the use of sequence numbers to determine when a download of "data from a central buffer to each base station of the active set of base stations" is required. As was described above with reference to claim 8, Padovani fails to address any refresh of data to the base stations. Farley fails to meet the deficiencies of Padovani. Thus, claim 1 is not obvious over Padovani in view of Farley. Claims 2-5 depend from claim 1 and are not rendered obvious over Padovani in view of Farley for these same reasons.

Claim 13 includes limitations same/similar to those of claim 1 and is not obvious over Padovani in view of Farley for the reasons provided above with reference to claim 1. Claims 14-17 depend from claim 13 and are not rendered obvious over Padovani in view of Farley for these same reasons.

Claims 6-7 are not unpatentable under 35 U.S.C. 103(a) over Padovani in view of Farley, and in further view of Strawczynski.

Claims 6-7 depend from claim 1. As described above, claim 1 is not obvious over Padovani in view of Farley. Strawczynski fails to meet the shortcomings of Padovani and/or Farley. Thus, Claims 6-7 are not unpatentable under 35 U.S.C. 103(a) over Padovani in view of Farley, and in further view of Strawczynski.

Claims 9-10 are not unpatentable under 35 U.S.C. 103(a) over Padovani in view of Kumar.

Claims 9-10 depend from claim 8. As described above Padovani fails to anticipate claim 8. Kumar fails to meet the shortcomings of Padovani. Thus, Claims 9-10 are not unpatentable under 35 U.S.C. 103(a) over Padovani in view of Kumar.

Claim 20 is not unpatentable under 35 U.S.C. 103(a) over Padovani in view of Strawczynski.

Claim 20 depends from claim 18. As described above Padovani fails to anticipate claim 18. Strawczynski fails to meet the shortcomings of Padovani. Thus, claim 18 is not unpatentable under 35 U.S.C. 103(a) over Padovani in view of Strawczynski.

CONCLUSIONS

All claims are now allowable and a notice of allowance is courteously solicited. Please direct any questions or comments to the undersigned attorney at the address indicated.

Respectfully submitted,

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